

EXHIBIT 5

The Honorable Laura C. Inveen

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

D.F.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole; LDS SOCIAL SERVICES a/k/a LDS
FAMILY SERVICES, a Utah corporation; and
the "MORMON CHURCH" THE CHURCH
OF JESUS CHRIST OF LATTER-DAY
SAINTS, an unincorporated association,

Defendants.

NO. 06-2-18131-0 KNT

~~PROPOSED~~

ORDER GRANTING COP'S MOTION
FOR RECONSIDERATION AND
DISMISSING THE MORMON
CHURCH

THIS MATTER was brought before the Court upon the motion of defendant Corporation of the President of the Church of Jesus Christ of Latter-Day Saints ("COP") for reconsideration of this Court's order denying COP's motion to dismiss and/or for summary judgment seeking dismissal of defendant The Church of Jesus Christ of Latter-day Saints ("the Church"). The Court heard argument of counsel on the original motion on Friday, February 9, 2007, and has considered the following submissions:

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ORIGINAL

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1. COP's memo in support;
2. Declaration of Michael Rosenberger and attached exhibits;
3. Declaration of Paul Rytting;
4. Plaintiff's Opposition Brief;
5. Declaration of Michelle A. Menely and attached exhibits;
6. COP's Reply Brief;
7. Second Declaration of Paul D. Rytting
8. COP's Motion for Reconsideration
9. Plaintiff's Memorandum in Opposition to COP's Motion for Reconsideration
10. Defendant COP's Reply in Support of Motion for Reconsideration

Based upon the foregoing, it is hereby:

ORDERED that COP's motion for reconsideration is GRANTED. The Court hereby vacates its order of February 9, 2007, and dismisses the Church from this action with prejudice,*

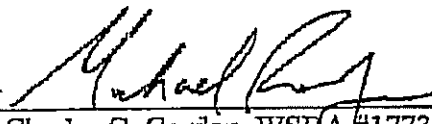
DATED this 22 day of May, 2007.


The Honorable Laura C. Inveen

Presented by:

GORDON MURRAY TILDEN LLP

By


Charles C. Gordon, WSBA #1773
Jeffrey I. Tilden, WSBA #12219
Michael Rosenberger, WSBA #17730
Attorneys for Defendant

*pursuant to conditions 1-4 as set out in Judge Dawson's Order Granting Defendant's Motion to Dismiss in 06-2-09825-1 entered 2/13/07, attached hereto, and to which Defendants indicate no objection.

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FILED
KING COUNTY
FEB 15 2007
SUPERIOR COURT
BY DEBRA BAILEY TRAL
DEPUTY

The Honorable William L. Downing

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

ROB RINDE f/k/a ROBERT LARRY LEROY
PITSOR, JR.,

Plaintiff,

v.

THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah corporation
sole; and the "MORMON CHURCH" THE
CHURCH OF JESUS CHRIST OF LATTER-
DAY SAINTS, an unincorporated association,

Defendants.

NO. 06-2-09825-1 SEA

ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS AND/OR FOR SUMMARY
JUDGMENT

THIS MATTER was brought before the Court upon the motion of defendant Corporation of the President of the Church of Jesus Christ of Latter-Day Saints ("COP") to dismiss and/or for summary judgment seeking dismissal of defendant The Church of Jesus Christ of Latter-day Saints ("the Church"). The Court heard the arguments of counsel on February 9, 2007, and has considered the following submissions:

1. COP's Motion to Dismiss;

ORDER - 1

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- 1 2. Declaration of Michael Rosenberger and attached exhibits;
- 2
- 3 3. Declaration of Paul Rytting;
- 4
- 5 4. Plaintiff's Opposition Brief;
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- 7 5. COP's Reply Brief;
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- 9 6. Plaintiff's Memorandum in Opposition;
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- 11 7. Declaration of Michelle A. Menely;
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- 13 8. Reply Brief in Support of Motion to Dismiss; and
- 14
- 15 9. Second Declaration of Paul Rytting.
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17 Based upon the foregoing, it is hereby:

18 ORDERED that the motion is GRANTED, subject to the following provisos.

19 First, to allow plaintiff the opportunity to move to amend the complaint to name Gordon
20 Conger as a party defendant, the case shall not be removed to federal court until after the Motion
21 to Amend is filed and ruled upon; provided, however, the defendant shall have the right to
22 remove if no ruling is issued on or before March 19, 2007. Plaintiff shall file the Motion to
23 Amend no later than 14 days after the date of the hearing, e.g., by no later than February 23,
24 2007 and plaintiff shall note the motion for hearing, without oral argument, for six (6) court days
25 after filing, and in no event later than March 5, 2007.

26 Second, in granting the motion, the Court specifically notes and rules as follows:

- 27 1. The Mormon Church, itself, is dismissed as a defendant. However, any person
28 who would otherwise be an agent of the Church is an agent of COP.
- 29 2. The Court will be liberal in considering statements and admission by agents of the
30 Church as statements and admissions against COP;
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ORDER - 2

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1 3. Any agent of the Church is an agent of COP for both liability and evidentiary
2 purposes.
3

4 4. The Mormon Church will not be an "empty chair" entity in this case.
5

6 DATED this 13 day of Feb., 2007.
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10 
11 The Honorable William L. Downing
12

13 Presented By:

14 GORDON MURRAY TILDEN
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17
18 By 
19

20 Michael Rosenberger, WSBA No. 17730
21 Attorneys for Defendant
22

23 Approved as to form:

24 GORDON, THOMAS, HONEYWELL,
25 MALANCA, PETERSON & DAHEIM LLP
26

27
28 By 
29

30 Michael T. Pfau, WSBA No. 24649
31 Michelle A. Menely, WSBA No. 28353
32 Co-Counsel for Plaintiff

33 LAW OFFICES OF TIMOTHY D. KOSNOFF
34

35
36 By 
37

38 Timothy D. Kosnoff, WSBA No. 16586
39 Co-Counsel for Plaintiff
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